Single Bench

(F1.02)

(3)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. NO.4970/2004

PETITIONER : Shobharam Sahu, S/o Shri Maniram Sahu, aged about 39 years Occupation Constable No. P.S. Keshkal , Distt. Bastar (C.G.)

4561/04
P.R. No.....
Presented by Shri Rohit Bamjave
dated 23.11.04

VERSUS

RESPONDENTS :

1. The State of C.G.
   Through the Secretary of
   Home Police Deptt.
   D.K.S. Bhawan, Raipur (C.G.)
2. Director General of Police Raipur
   Dist. Raipur (C.G.)
3. Superintendent of Police Bastar,
   Distt. Bastar

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22/XI/04
Clerk to A.G. Bilaspur

WRIT PETITON UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF MANDAMUS CERTIORARI ETC OR ANY OTHER DIRCTIONS OR ORDER TO DO JUSTICE IN THE MATTER

1. PARTICULARS OF THE PETITIONER :

(31)

HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION NO.4970 OF 2004

Petitioner : Shobharam Sahu

Versus

Respondents : The State of C.G. and others

Present : Mrs. Renu Kochar, counsel for the petitioner.
Mr. Utkarsh Verma, Deputy Government Advocate for the State/respondents.

ORDER

(Passed on 22nd Day of February, 2007)

By this petition, filed under Articles 226/227 of the Constitution of India, the petitioner impugns the order dated 31-7-2004 (P-5), whereby the respondents have rejected the representation of the petitioner filed in pursuance of the order dated 27-4-2004 passed by this Court in Writ Petition No.1126 of 2004 and have confirmed the transfer order dated 28-2-2004 (P-1). The petitioner has been ordered to comply with the transfer order dated 28-2-2004 (P-1).

2. Be that as it may, with the passage of time, this petition has become infructuous as period of transfer is not applicable forever. At this point of time, there is no question to examine the validity of the impugned transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and

(32)

administrative exigency, without insisting on compliance of the impugned transfer order.

3. It is well settled principle of law that transfer is an incident of service and it is for the employer to decided as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved *mala fide*, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.

4. In view of the above, the writ petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Gopal